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VIA E-MAIL

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Request for Bond Modification

United States v. Armany Guzman, 22 Cr. 174 (VM)

Dear Judge Marrero:

I represent Armany Guzman in the above-entitled matter and submit this letter to respectfully request modification of his current bond condition from home detention to a curfew similar to that granted his codefendants. I have conferred with the government and they defer to Pretrial Services. I reached out to Pretrial Services and they oppose this request.

Although I was only appointed to represent Mr. Guzman on January 6, 2023, my review of the case appears to suggest that the allegations against Mr. Guzman situate him similarly to that of his codefendants. At the outset of the case, Mr. Guzman was placed on \$250,000 bond and home detention. One of his codefendants was placed on \$250,000 bond and curfew with location monitoring. Although his other codefendant was placed on \$250,000 bond and home incarceration initially, that codefendant was granted a bond modification to a curfew of 9pm to 6am in August 2022 (Dkt. 49).

Since his arrest, Mr. Guzman has obtained employment. Since July 2022, Mr. Guzman has been employed part-time as a home health aid for Link Home Care (See attached Link Home Care letter). He has been working approximately 14 hours per week with a varying schedule according to the needs of his client. His changing schedule has made it difficult for Mr. Guzman to adhere to the notice requirement required by Pretrial Services. That being said, he has provided notice in accordance with those requirements since he began that job.

In December 2022, Mr. Guzman obtained full time employment as a doorman/porter for Halstead Management Company, LLC at their property located at 430/440 East 56th Street in Manhattan (see attached Halstead Management Company letter). Mr. Guzman works 2pm – 10pm Monday through Friday, with random overnight shifts from 11pm to 7am (for which he receives overtime compensation).

With his two jobs, Mr. Guzman is currently working anywhere from 54 to 70 hours per week. Despite his employment achievements, Pretrial Services opposes this request to modify Mr. Guzman's bond to replace home detention with a curfew similar to that of his codefendants.

The basis for Pretrial Services' opposition is Mr. Guzman's continuing positive toxicologies for marijuana. Although we concede that the ingestion of marijuana is a violation of the terms of his Pretrial supervision, this issue should not outweigh Mr. Guzman's impressive work schedule.

Under 18 U.S.C. § 3142(c)(B), the Court "shall order the pretrial release of the person [...] subject to the least restrictive further condition, or combination of conditions, that such judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community." Other than positive toxicologies for marijuana, Mr. Guzman has been fully compliant with Pretrial supervision. The two jobs that he currently holds further ties him to the community, reducing almost all risk that he represents any kind of flight risk. Additionally, Mr. Guzman is charged with non-violent offenses. Considering the nature of the charged crimes and his adherence to the rules of Pretrial supervision (except for the aforementioned positive marijuana toxicologies) since his arrest, there can be no legitimate argument advanced that Mr. Guzman poses a danger to the community.


Accordingly, we respectfully request that the conditions of Mr. Guzman's bond be changed from home detention to the same 9pm to 6am curfew granted to his codefendants.

Respectfully submitted,

Ken Womble

Ken Womble

Counsel for Armany Guzman

Request GRANTED.	The condition of home detention is hereby modified to a curfew from 9:00 p.m. until 6:00 a.m., with location monitoring, for the purpose of and during the period of employment, to be monitored by Pretrial Services.
SO ORDERED.	
<div>1/23/2023</div> DATE	VICTOR MARRERO, U.S.D.J.